

Not for Publication

**United States District Court
for the District Of New Jersey**

SUSAN CHIARAVALLE

Plaintiff,

v.

IMPERIUM INSURANCE COMPANY

Defendant.

Civil No.: 13-1818 (KSH) (CLW)

Opinion

Katharine S. Hayden, U.S.D.J.

The Court writes primarily for the parties, who are familiar with the procedural and factual history of this case. Susan Chiaravalle has timely appealed part of a non-dispositive discovery order [D.E. 37] issued by Magistrate Judge Waldor. Chiaravalle objects to Judge Waldor granting in part defendant Imperium's motion to compel and denying certain of her deposition requests.

"[T]here is particularly broad deference given to a magistrate judge's discovery rulings, especially when the magistrate judge has managed the case from the outset and developed a thorough knowledge of the proceedings." *Bell v. Lockheed Martin Corp.*, No. 08-6292, 2010 WL 3724271, at *6 (D.N.J. Sept. 15, 2010) (Kugler, J.). Having reviewed the parties' arguments and the record, the Court is satisfied that Judge Waldor's order is neither clearly erroneous nor contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D.N.J. L. Civ. R. 72.1(c)(1). Chiaravalle bears the burden of showing that the underlying decision should be reversed or modified, *Haas v. Burlington Cnty.*, 955 F. Supp. 2d 334, 336 (D.N.J. 2013)

(Hillman, J.), and on the present record, Chiaravalle's preclusion arguments do not persuade this Court that Judge Waldor erred by ordering discovery of the State Farm insurance coverage documents.

To the extent that Chiaravalle now raises arguments pertaining to the operation of New Jersey insurance law that were not raised below (*see Chiaravalle Br. 3*), the Court will not consider them for the first time on appeal. *See Bowen v. Parking Auth. of City of Camden*, No. 00-5765, 2002 WL 1754493, at *6 (D.N.J. July 30, 2002) (Simandle, J.) ("[A]bsent good cause, the District Judge will not consider new arguments raised on appeal that could have been presented to the Magistrate Judge in the discovery motion."). With regard to the dispute over depositions, the Court again finds no error of law or clear error of fact in Judge Waldor's decision.

Judge Waldor's decision is affirmed and an appropriate order will issue.

Dated: June 17, 2014

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.